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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,920	08/07/2001	Peter Robert Foley	7942	1888

27752 7990 01/21/2004  
THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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EXAMINER

KUMAR, PREETI

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)
09/890,820	FOLEY, PETER ROBERT
Examiner	Art Unit
Preeti Kumar	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Final Rejection***

1. Claims 11-13 and 15-26 are pending.
2. Page 4 of Applicant's remarks have not been filed with the Request for Reconsideration filed on October 9<sup>th</sup>, 2003. Furthermore, examiner notes that an ENTIRE listing of the claims has not been filed; one listing the original, amended and canceled claims. Proper correspondence is necessary to avoid Non-Compliance issues in the future.
3. The rejection of claims 11-13 and 15-26 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boskamp (US 4,462,922) is maintained upon further consideration of the prior art and is explained below.
4. The rejection of claims 11-13 and 15-26 under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. (US 6,069,122) is maintained upon further consideration of the prior art and is explained below.

### ***Response to Arguments***

5. Applicant's arguments filed October 9, 2003 have been fully considered but they are not persuasive. Applicant urges that Boskamp does not teach an amine oxide containing residual hydrogen peroxide with an antioxidant to form a detergent premix. Also, Applicant urges that Boskamp teaches a detergent composition and not a process for making a detergent composition. Contrary to applicant's argument, Boskamp teaches a polyfunctional amino compound, with boric acid or an alkalimetalborate and

with an antioxidant to produce a synergistic enzyme-stabilizing effect, that is an effect which surmounts the sum-effect of each of the binary systems. It has been found that in the mixture of the invention the antioxidant must be present above a certain level, as well as the boric acid or the alkalimetalborate. The antioxidant should be present in the mixture in an amount of at least 5% by weight of the final enzymatic aqueous liquid detergent composition. See abstract and col.1, ln.2-40. Specific polyfunctional amino compounds include diethanolamine, triethanolamine, di-isopropanolamine, tri-isopropanolamine, and tris(hydroxymethyl) aminomethane. See col.2, ln.1-10. Boskamp teaches the utility of amylases in detergent compositions and teaches that bacterial or fungal enzymes are preferred, such as bacterial amylases and proteases, and fungal cellulases. Although the liquid compositions of the present invention may have a near-neutral pH value, the present invention is of particular benefit for enzymatic liquid detergents with a pH of 7.5 or above. See col.2, ln.65-70.

However, Boskamp is silent as to the order of the process steps in which the components are added to make the composition. However, the court has held that merely reversing or changing the order of the steps in a process does not impart patentability when no unexpected result is obtained. *Ex Parte Rubin* (POBA) 128 USPQ 440 *Cohn V. Comr. Pats.* (DCDC 1966) 251 FSUPP 378, 148 USPQ 486 ; 29 USPQ 493 ; 38 USPQ 181. Thus it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to formulate a liquid dishwashing detergent composition wherein the final composition comprises substantially no residual hydrogen peroxide with a reasonable expectation of success and similar results, because

Boskamp suggests a enzymatic liquid detergent composition comprising an amine oxide, an antioxidant, a chelant, surfactant, and the other requisite limitations of the instant claims and further, one of ordinary skill in the art would have been motivated to modify the percentages of said adjunct ingredients since Boskamp teaches varying amounts of active detergent material.

6. Applicant also urges that Vinson et al. do not teach the specific process steps of first producing a premix and then subsequently adding an amylase enzyme. However, Vinson et al. do provide motivation to one of ordinary skill in the art to make the composition free of hydrogen peroxide and further provide motivation to not allow the hydrogen peroxide to react with the enzyme. Please see col.3, ln.57-col.4, ln.35. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a detergent composition comprising an amine oxide and an antioxidant and adding an amylase enzyme in a second step because the teachings of Vinson et al. illustrate a liquid detergent composition comprising amine oxide, enzymes, and magnesium and calcium, in example II in col.29 and furthermore, Vinson et al. provide motivation to one of ordinary skill in the art to make the composition free of hydrogen peroxide and further provide motivation to not allow the hydrogen peroxide to react with the enzyme.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm. If attempts to


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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 672-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar  
Examiner  
Art Unit 1751

PK



Handwritten signature of Preeti Kumar, with a faint official stamp below it.